

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LORELI NOLAN,

Plaintiff,

vs.

AMERICAN FAMILY INSURANCE  
COMPANY,

Defendant.

Case No. 2:15-cv-02051-JAD-NJK

ORDER DENYING AS MOOT  
MOTION FOR SANCTIONS

(Docket No. 17)

Pending before the Court is Defendant American Family Insurance Company's motion for sanctions regarding discovery. Docket No. 17. The Court has considered Defendant's motion and Plaintiff's response. Docket Nos. 17, 23. No reply was filed. *See* Docket. The Court finds the motion properly resolved without oral argument. *See* Local Rule 78-1.

Defendant submits that Plaintiff has failed to engage in the discovery process throughout the pendency of the instant case. Docket No. 17 at 4. Despite having sought discovery extensions in order to respond to discovery requests, Plaintiff has failed to do so. *Id.* Further, Plaintiff failed to appear for her properly noticed deposition. *Id.* at 6. As a result of Plaintiff's failure to participate in discovery, Defendant asks the Court to dismiss her claims with prejudice. *Id.* at 11.

Plaintiff's counsel responds that, on July 26, 2016, counsel filed a non-opposition to Defendant's motion for summary judgment based on the "loss of communication with the Plaintiff and the resulting inability of Plaintiff's counsel to prepare an opposition to the motion." Docket No. 23 at 3. *See also* Docket No. 22. Plaintiff's counsel submits that the legal effect of the non-opposition will be the granting

1 of Defendant's motion for summary judgment and the subsequent dismissal of the instant case. Docket No.  
2 23 at 3. Therefore, Plaintiff's counsel submits that the motion for discovery sanctions, which requests  
3 dismissal, is moot. *Id.* The Court agrees.

4 Accordingly, Defendant's motion for sanctions regarding discovery, Docket No. 17, is hereby  
5 **DENIED** as moot.

6 IT IS SO ORDERED.

7 DATED: August 18, 2016.

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12 NANCY J. KOPPE  
13 United States Magistrate Judge  
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